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COMMISSION ON HUMAN RIGHTS
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Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Guinea-Bissau and Nigeria: draft resolution

Human rights violations in the Papua New Guinea island of Bougainville

The Commission on Human Rights,

Guided by the relevant provisions of the Charter of the United Nations and the Universal Declaration of Human Rights, and mindful of its responsibilities under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Reaffirming the validity of the Universal Declaration of Human Rights, as well as of the International Covenant on Civil and Political Rights, on the one hand, and the International Covenant on Economic, Social and Cultural Rights, on the other hand, which are indivisible and interrelated,

Recognizing that action by civil defence forces has in some cases jeopardized the enjoyment of human rights and fundamental freedoms by the indigenous people living in the province of Bougainville,

Expresses deep concern about the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1994/7), according to which a large number of human rights violations, including extrajudicial, summary and arbitrary executions, have occurred since April 1991 on the island

of Bougainville in the context of the ongoing armed conflict between the security forces of Papua New Guinea and the Bougainville Revolutionary Army,

Welcoming the invitation extended by the Government of Papua New Guinea to the European Economic Community-African, Caribbean and Pacific Joint Assembly, as well as some other relevant international observers, but disappointed that such access has in the past been denied,

Bearing in mind the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment approved by the General Assembly in resolution 43/173 of 9 December 1988 and the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, endorsed by the General Assembly in its resolution 44/162 of 15 December 1989,

Recalling Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/19 of 27 August 1992 and Commission on Human Rights resolution 1993/76 of 10 March 1993,

Having examined the report of the Secretary-General on the human rights situation in Bougainville (E/CN.4/1994/60),

Concerned that the Government of Papua New Guinea has not provided information to the Commission on actions it has taken during the past year,

Recognizing that recent events in the Papua New Guinea province of Bougainville, particularly reports of a large number of human rights violations, require measures to assure the protection of human rights and fundamental freedoms,

Stressing the need for the Government of Papua New Guinea to prosecute those responsible for human rights violations on the island of Bougainville,

1. Welcomes the statement of the Government of Papua New Guinea to the General Assembly at its forty-eighth session that it is prepared to commence negotiations with representatives of the Bougainville people, but regrets that there has been no progress towards such negotiations by the Government;

2. Also welcomes the call for peace and negotiations by the Bougainville Peace Conference Planning Group, but regrets the lack of response from the Government of Papua New Guinea to this initiative for peace;

3. Calls upon all parties to the conflict strictly to respect all human rights and fundamental freedoms and requests the Government of

Papua New Guinea as the administrative authority urgently to undertake a search for solutions with a view to implementing measures that would bring about a comprehensive political solution to the conflict;

4. Also calls upon all parties to the conflict, particularly the administrative authority, to ensure the immediate and unconditional flow of humanitarian aid and assistance to civilian persons, especially women and children, in the areas of conflict on the island of Bougainville;

5. Urges the Government of Papua New Guinea promptly to invite the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture to investigate the reports of human rights violations on the island of Bougainville;

6. Also urges the Government of Papua New Guinea to extend its full cooperation to the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture to enable them to report to the Commission at its fifty-first session;

7. Requests the Secretary-General to appoint a special representative:

(a) To establish direct contact with the Government of Papua New Guinea and representatives of the people of Bougainville to investigate the situation of human rights in Bougainville, including any progress made towards the full restoration of human rights and compliance with international human rights instruments and international humanitarian law;

(b) To explore ways to promote an end to armed conflict and to facilitate dialogue and negotiations between the parties to the conflict, with a view to reaching a comprehensive, just and lasting solution and the full restoration of human rights;

(c) To receive credible and reliable information from Governments, non-governmental organizations and any other body that may assist him in carrying out his mandate;

(d) To report to the Commission on Human Rights at its fifty-first session;

8. Decides to consider the situation on human rights in Bougainville at its fifty-first session under the same agenda item.